

#### D. Remarks

The claims are 1, 3, 5-7, 10-12, 14, 16-18 and 21-47, with claims 1, 12, 21, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44 and 46 being independent. Claims 2, 4, 8, 9, 13, 15, 19 and 20 have been cancelled. Claims 1 and 12 have been amended to better define the present invention, to address section 112, second paragraph, issues and to improve their form. Claims 3, 5, 6, 14, 16 and 17 were amended for formal reasons, which are unrelated to patentability. New claims 26-47 have been added. Support for the above amendment and the new claims may be found throughout the specification and the claims. For example, support may be found in Ex. Comp. Nos. 1, 4, 7, 12, 16, 17, 18, 21, 23, 49, 56, 60, 67, 74, 79, 90, 96, 111-120, 123-127, 129-140, 150, 151-156, 159, 164, 165, 173, 174, 176, 179 and 180. In addition, support for the new claims may be found in Examples I-1 to I-6, I-8 to I-11 and I-13. No new matter has been added. Reconsideration of the present claims is expressly requested.

The Examiner requested affirmation of Applicants' oral election. As required, Applicants hereby affirm the election, but again traverse the election requirement.

The abstract is objected to because of excessive length. Applicants have shortened the length of the abstract and request that this objection be withdrawn.

The specification is objected to because of an informality. Since the specification has been amended to correct the informality, this objection should be withdrawn.

Claims 8, 9, 19 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking an enabling disclosure. Also, these claims stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,150,006 (Van Slyke).

Since claims 8, 9, 19 and 20 have been cancelled, this rejection is moot and should be withdrawn. Applicants note that these claims have been cancelled without prejudice or disclaimer and this cancellation is not to be interpreted as an acquiescence to the propriety of the above rejections.

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicants respectfully submit that this rejection should be withdrawn in view of the above amendments to the claims.

Claims 1, 3, 10-12 and 14 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0034656 A1 (Thompson). Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0121638 A1 (Grushin). Claims 1, 3, 10-12 and 14 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2001/019782 A1 (Igarashi). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly review some of the features of the presently claimed invention. The present invention is related, in part, to a metal coordination compound of formula (1) in which the phenyl ring has four substituents labeled  $X_1$ - $X_4$ . As defined in the rejected claims, the phenyl ring in the metal coordination compound is substituted so that not more than one of  $X_1$ - $X_4$  is a fluorine, but at least two of  $X_1$ - $X_4$  are substituents other than hydrogen.

Applicants submit herewith sworn translations of priority Japanese Application Nos. 2000-292492, 2000-292493, 2000-358741, 2000-358742, 2001-255537

and 2001-284599 in conformity with 37 C.F.R. § 1.55 to perfect the priority claim and to remove Igarashi as prior art under 35 U.S.C. § 102 (e). Also, perfection of foreign priority in this case removes as prior art the disclosure in Thompson, which is not supported by its priority applications.

With respect to Thompson, while this reference discloses  $\text{Ir}(3\text{-MeOppy})_3$  in Fig. 17, this compound, and the other  $\text{Ir}(\text{ppy})_3$  compounds disclosed in Thompson, do not have the specific substitution as presently claimed. As the Examiner will note, the phenyl ring in the generic  $\text{Ir}(\text{ppy})_3$  structure in Thompson is specified as having only 1 substituent other than hydrogen (see par. [0169] - [0171]). Also, Thompson does not disclose specific substitution as recited in new claims 26-47.

Furthermore, since the Examiner relied upon the disclosure in Thompson's priority U.S. Application No. 09/452,346 (the '346 application) to reject the present claims and Applicants have now perfected their priority claim in the subject application, it is respectfully submitted that the anticipation rejection cannot be maintained unless the Examiner shows that the subject matter relied upon in Thompson was disclosed in the '346 application. Accordingly, the presently claimed invention is clearly patentable over Thompson and the rejection over Thomson should be withdrawn.

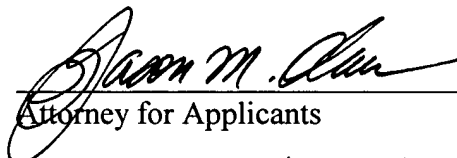
Grushin discloses a compound 1-e, 1-f, 1-g and 1-s, which correspond to Ex. Comp. Nos. 33, 32, 2 and 122, respectively, in the subject specification. However, these compounds have been excluded from the claims. Accordingly, the present claims are patentable over Grushin.

As mentioned above, Igarashi is not prior art. Nonetheless, Applicants would like to point out to the Examiner that while Igarashi's compound of formula (1-50) corresponds to Ex. Comp. No. 48 in the present specification, this compound is not within the scope of the claims now presented for examination. Accordingly, it is clear that Igarashi cannot affect the patentability of the presently claimed invention.

Wherefore, it is respectfully requested that all objections and rejections be withdrawn and the subject application be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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